

3 April 1975

## MEMORANDUM FOR THE RECORD

SUBJECT: U.S. Publication of Philip Agee's Book

1. On 1 April, Mr. Selig J. Levitan, on behalf of Simon and Schuster Publishers, called and said that he had not been able to persuade the editors that publication of the Agee book would violate national security. Mr. Levitan specifically asked if I could identify those portions of the book which we considered did violate national security. I said I would have to consult with Agency personnel and be back in touch with him.

2. On 2 April, I contacted Mr. Irwin Goldbloom, Department of Justice, and discussed Mr. Levitan's query with him. Mr. Goldbloom felt that we should not discuss anything substantive with Mr. Levitan and should consider him as an adversary. Mr. Goldbloom did feel that there were some cases to support placing royalties from the U.S. publication in trust rather than paying them directly to Agee. Mr. Goldbloom did not object to my telling Mr. Levitan that we had discussed the problem with the Department of Justice.

3. On 2 April, I called Mr. Levitan and explained to him that the Agency had discussed the matter with the Department of Justice and in our opinion the book did contain classified information which had not been released by the United States Government. I mentioned that the opinion in the Marchetti case was explicit with regard to the public domain issue and stated that mere publication did not constitute placing classified information in the public domain. Mr. Levitan understood this position although he did not agree with it. He did acknowledge his concern about the national security. He said that he was reviewing the book for material that could generate libel suits against the publisher. I had the distinct impression that Mr. Levitan was not enthusiastic about publishing Agee's book, but I am not sure his advice will be followed by Simon and Schuster.

4. I told Mr. Levitan that we would be glad to review the book for classified information if they wanted to submit the book to the Agency. He was not enthusiastic about that offer.

Associate General Counsel

cc: Mr. Thuermer  
C/LA